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WQC number: 036-I002-WQC-1

Public Notice

Closing Date:
Sept. 5, 2014

This letter serves as the formal notice of the receipt of an application for a Section 401 Water Quality Certification by the Kentucky Division of Mine Permits (KDMP). The purpose of this notice is to inform the public of active applications awaiting certification under Section 401 of the Clean Water Act (33 U.S.C. § 1341) and to solicit comments and information on any impacts to water quality as it related to the specific project. DMP will evaluate whether the project complies with Kentucky's water quality standards.

The comment period will run for 30 days, as is indicated in the upper portion of this notice. Any person who wishes to comment or receive information pertaining to the pending WQC application, must contact the WQC coordinator at 502 564-2320, or submit comments to: Water Quality Certification 2 Hudson Hollow, Frankfort KY 40601, within the 30 day comment period. All comments will be reviewed and water quality issues will be considered during the review process.

The public may review the detailed Compensatory Mitigation Plan at the Division of Mine Permits office at: #2 Hudson Hollow Frankfort, KY 40601

**COMMONWEALTH OF KENTUCKY
ENVIRONMENTAL AND PUBLIC PROTECTION CABINET
DEPARTMENT FOR NATURAL RESOURCES
DIVISION OF MINE PERMITS**

**APPLICATION FOR WATER QUALITY CERTIFICATION
FOR SURFACE COAL MINING ACTIVITIES**

The Clean Water Act Section 401 Water Quality Certification (WQC) program in Kentucky ensures that activities which may involve a discharge into waters of the State which require federal permit or license are consistent with Kentucky's water quality standards found in 401 KAR Chapter 5. The Environmental and Public Protection Cabinet has authorized the Department for Natural Resources to issue water quality certifications related to surface coal mining operations. The project may not start until all necessary approvals are obtained. For questions concerning the WQC process, contact the WQC Coordinator at 502/564-2320.

1. OWNER:

Kentucky Division of Abandoned Mine Lands

Give name of person(s), company, governmental unit, or other owner of proposed project.

MAILING ADDRESS:

2521 Lawrenceburg Rd.

Frankfort, KY 40601

TELEPHONE #: 502-564-2141

EMAIL: joseph.manley@ky.gov

2. AGENT:

N/A

Give name of person(s) submitting application, if other than owner.

ADDRESS:

N/A

N/A

TELEPHONE #: N/A

EMAIL: N/A

3. CONSULTANT N/A

TELEPHONE #: N/A

EMAIL: N/A

4. DESCRIPTION OF CONSTRUCTION:

The residences in Wayland along Steele Creek are complaining about the stream bank erosion. This has been a problem for many years. AML has had several previous projects along Steele Creek. Currently, a previous AML constructed gabion wall is failing in the stream. AML proposes to remove the failing gabions upstream of the bridge and replace 50L.F. with a concrete gravity wall. The streambank is composed of refuse material and is constantly eroding. Opposite of the failing gabions, sediment has built up in the stream. AML plans to remove the sediment both upstream of the bridge and downstream (approximately 165 L.F.). At another section of stream, the bank has eroded to the point of impacting a residential lot. AML proposes installing 250 L.F. of sheet piling wall to prevent further erosion. The sheet piling wall will limit the amount of excavation and disturbance to the stream. A small drain outlets into Steele Creek. AML proposes installing 20 L.F. of concrete block-tied mat to open up the drain and prevent future damage to the newly constructed gravity wall.

Describe the type and purpose of construction and describe stream impact

Environmental and Public Protection Cabinet
Department for Natural Resources

Form DNR-WQC 2/07

5. COUNTY: Floyd NEAREST COMMUNITY: Wayland

6. USGS QUAD NAME: Wayland

LATITUDE/LONGITUDE: 37° 26' 39.5" ; 82° 47' 20.7"

7(a). STREAM NAME (List all stream reaches affected):

Steele Creek

Stamper Branch

WATERSHED SIZE (above the toe of permanent structure for each stream reach) in acres:

Steele Creek - 1,440 acres

LINEAR FEET OF EACH STREAM IMPACTED (including flow regimes):

Steele Creek - 410 LF

Stamper Branch - 20 LF

7(b). WETLANDS (Provide acreage of wetlands impacted): 0

8. DIRECTIONS TO SITE:

From US 23 and KY 80 near Prestonsburg, take KY 80 west to Garrett, KY. Take the Garrett Exit, turn left at the bottom of the ramp and follow KY 7/KY 1086. At the fork, bear left on KY 1086. Travel 1 mile to the bridge. Stream restoration begins upstream of the bridge

9. HAS AN APPLICATION FOR A CORPS OF ENGINEERS 404 PERMIT BEEN SUBMITTED?

☒ Yes ☐ No TYPE OF PERMIT: NW 13 ☒ NW 21 ☐ NW 27 ☐ Individual ☐

10. DNR (SMCRA) Permit No. _____ and KPDES No. _____ are associated with this mining activity.

11. LIST OF ATTACHMENTS: List plans, profiles, or other drawings and data submitted. Attach a copy of a 7.5 minute USGS topographic map clearly showing the project location.

Construction Plans, Details, and Quadrangle Map

I hereby request approval for construction across or along a stream as described in this application and any accompanying documents. To the best of my knowledge, all the information provided is true and correct.

SIGNATURE:

Samantha Johnson

Owner or Agent sign here. (If signed by Agent, a Power of Attorney should be attached.)

DATE: 8/6/14

SUBMIT APPLICATION AND ATTACHMENTS TO:

WQC Coordinator
Division of Mine Permits
2 Hudson Hollow
Frankfort, KY 40601